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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

Promoting the wise use of land
 Helping build great communities

MEETING DATE June 12, 2014	CONTACT/PHONE Holly Phipps (805) 781-1162 hhipps@co.slo.ca.us	APPLICANT County of San Luis Obispo Public Works Department	FILE NO. DTM2013-00005
DETERMINATION DATE June 5, 2014			
SUBJECT Determination of conformity with the General Plan for the vacation of the County's Road Easement constituting Thunder Canyon Road (0.53 miles), a portion of the County's real property interests acquired near the Community of Cayucos. The road abandonment is in response to a request by Mr. Jack Stapelmann (J.J. Whippet, LLC). The parcels are located with the Agriculture land use category approximately 3 miles north of the community of Cayucos, (connects to Cayucos Creek Road), in the Adelaida Planning area.			
RECOMMENDED ACTION Receive and file the determination that the proposed road abandonment is in conformance with the County's General Plan.			
ENVIRONMENTAL DETERMINATION This General Plan Conformity Report is not considered a project under CEQA and therefore does not require an environmental determination. Any subsequent land use permit application, however, would require an environmental determination.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Geologic Study Area	ASSESSOR PARCEL NUMBER 046-121-062, 063, 064, & 065	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS & LAND USE ORDINANCE STANDARDS: None applicable			
EXISTING USES: Road and Road Right of Way			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture/agriculture East: Agriculture/agriculture South: Agriculture/agriculture West: Agriculture/agriculture			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: N/A			
TOPOGRAPHY: Steeply sloping		VEGETATION: Scattered oak trees, grasses	
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: CAL FIRE			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

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Project Description

The proposed project is a request for the vacation of the County's road easement constituting Thunder Canyon Road on behalf of a request submitted by Mr. Stapelmann (adjacent property owner). Thunder Canyon Road is approximately 0.53 miles long and connects to Cayucos Creek Road. The road currently acts as a private drive to the existing residence and farm owned by Mr. Stapelmann. The road vacation would start at the beginning of Thunder Canyon Road (at Cayucos Creek Road) and end at the terminus (at Mr. Stapelmann's driveway). Thunder Canyon Road traverses through Mr. Stapelmann's property. Located on the property is a single family residence, farm support quarters, agricultural barn and accessory structures.

The County of San Luis Obispo Department of Public Works submitted a letter of support for Mr. Stapelmann's request for the road (easement) vacation. A road (easement) vacation effectively eliminates an easement right, held by the County on behalf of the public, leaving the underlying ownership (J.J. Whippet, LLC) without the legal obligation to allow public access.

State law requires a determination of General Plan conformity for any sale or abandonment of County owned real property before approval of a property transfer. Once the general plan conformity report has been received and filed, the Board of Supervisors will make the determination to approve or disapprove the proposed abandonment of real property. California Government Code Section 65402 requires that the planning agency first find that the proposed vacation of the County's Road Easement is in conformity with the County's General Plan.

General Plan Conformity

When the acquisition or abandonment of real property or the construction of structures is proposed by a public agency within the unincorporated area, the proposal must be evaluated for consistency with the county General Plan before the action is authorized. Pursuant to Government Code section 65100, the Department of Planning and Building is authorized to prepare and issue conformity reports that are required by Government Code section 65402. This conformity report is required to evaluate whether the proposed abandonment of real property is consistent with the County General Plan.

The determination of conformity is to be based on the County's General Plan including the text, standards, programs, and maps contained therein. Factors that are listed in Framework for Planning, Part I of the Land Use Element that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the applicable General Plan elements, specific plan and/or facility master plan.

Staff Response: The proposed project complies with the pertinent policies, General Plan elements, and the Adelaida Planning area because the applicant is requesting that existing county road easement (Thunder Canyon Road) be vacated. Title 22, Chapter 22.92 would require that any new road alignments proposed for new land divisions be required to be constructed and designed to minimize terrain disturbance which is not applicable to this project.

2. The project is consistent with the goals, objectives and policies of the Land Use Element and any other applicable General Plan elements.

Staff Response: The proposed project is consistent with these goals and policies of the Land Use Element because the property will have legal access and all-weather physical access to a public road (Cayucos Creek Road).

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3. A proposed construction project is designed in conformance with the standards of the Land Use Ordinance as well as any standards contained in Chapter 8 of the applicable Land Use Element area plan.

Staff Response: Not applicable.

4. The abandonment or sale of public property will not eliminate, delay or unreasonably interfere with the opportunity to develop public sites or structures as identified in the General Plan. The proposal should be evaluated for its possible use as a public facility, or for its exchange or sale and subsequent purchase of a better site within the community.

Staff Response: The abandonment (road vacation) will not interfere with the opportunity to develop on adjacent properties. The abandonment of County property will allow the road to be transferred to the adjoining property owner, who is the sole user of this road as it provides no connectivity to other areas of the County or other properties.

Determinations and Findings

The proposed abandonment (road vacation) is in conformity with the county General Plan based on the following findings:

- A. The elimination of the County road easement would not eliminate, delay or unreasonably interfere with the opportunity to develop structures as identified in the General Plan. These properties are zoned Agriculture and are currently developed with single family residence, farm support quarters and agricultural uses. This road (easement) vacation will not eliminate these agricultural uses from continuing or expanding.
- B. The elimination of the County road easement does not conflict with other elements of the County General Plan because eliminating the Public Road easement ownership to the adjoining private property owner is consistent with the goals, objectives and policies of the other elements of the general plan.

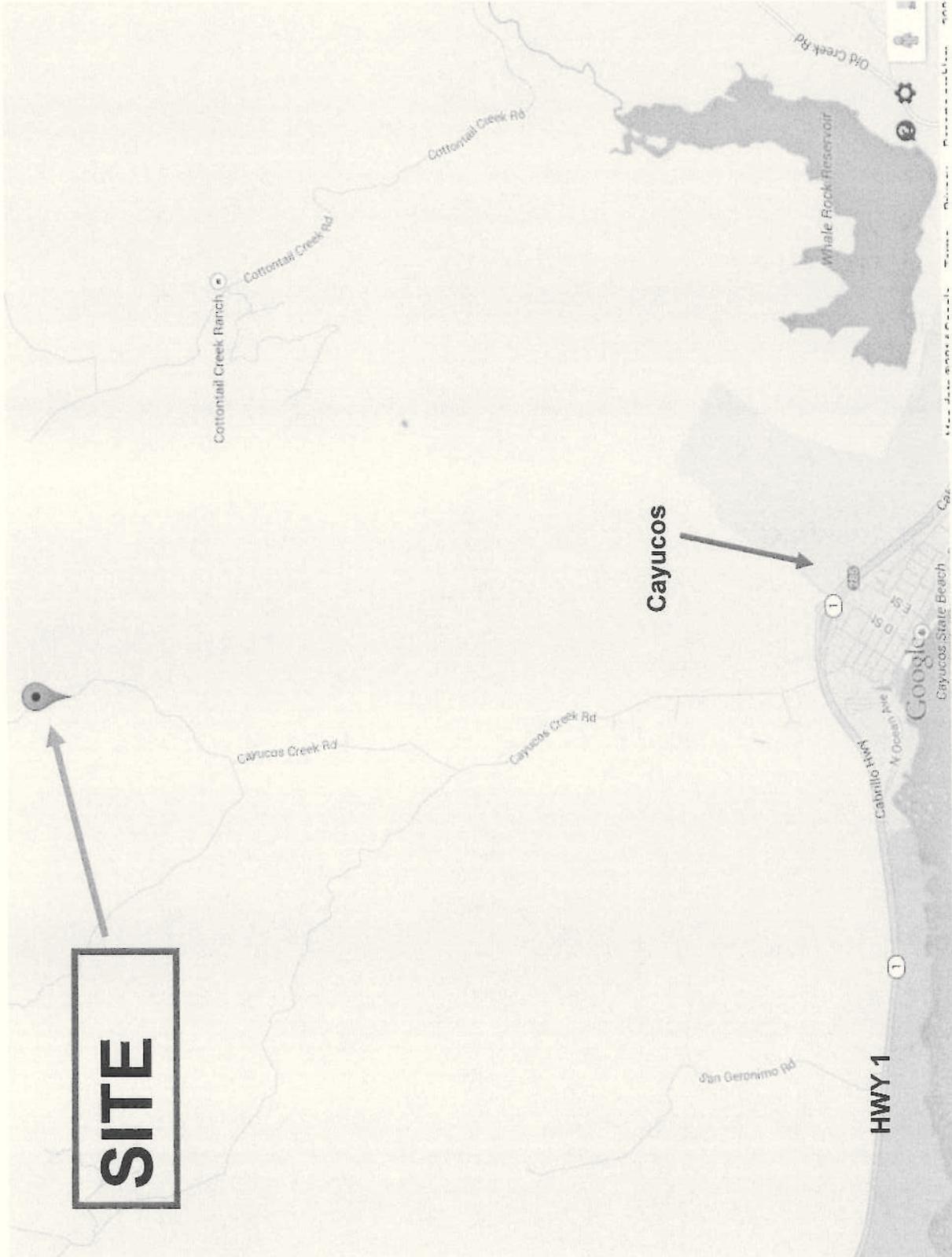
The vacation of the County's road easement constituting Thunder Canyon Road will not conflict with the applicable sections of the General Plan because the agricultural properties served by this roadway are under a single ownership and the roadway otherwise serves as a cul-de-sac with no traffic circulation obligations. The existing residences along Thunder Canyon Road will continue to have safe access and are currently developed with agricultural uses with safe access to the nearest county maintained road.

Attachments

01. Graphics
02. Public Works Memorandum dated April 4, 2014

Staff report prepared by Holly Phipps and reviewed by Ryan Hostetter.

ATTACHMENT 1



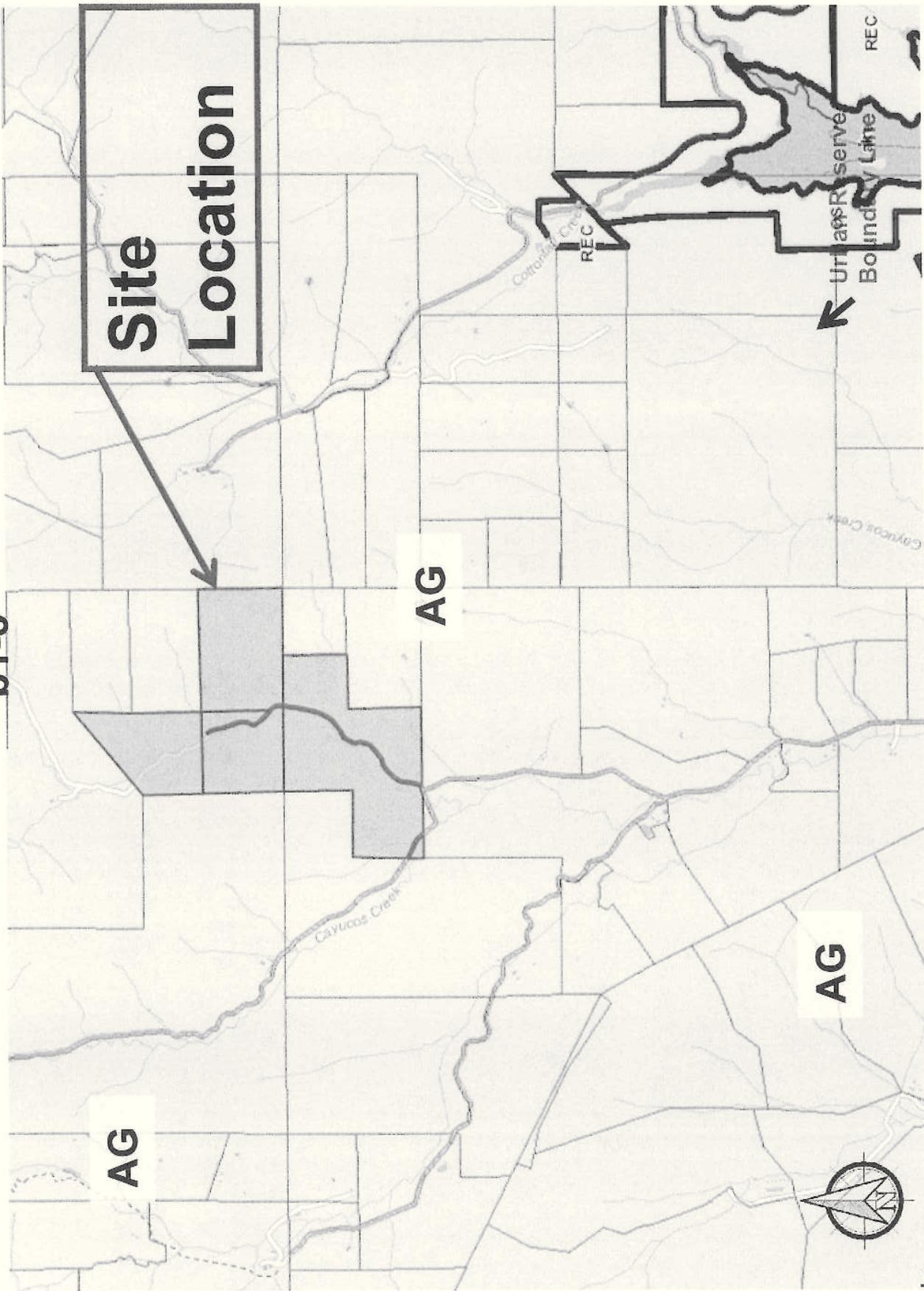
EXHIBIT

Vicinity Map



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DTM2013-00005 / County of San Luis Obispo
Department of Public Works

ATTACHMENT 1



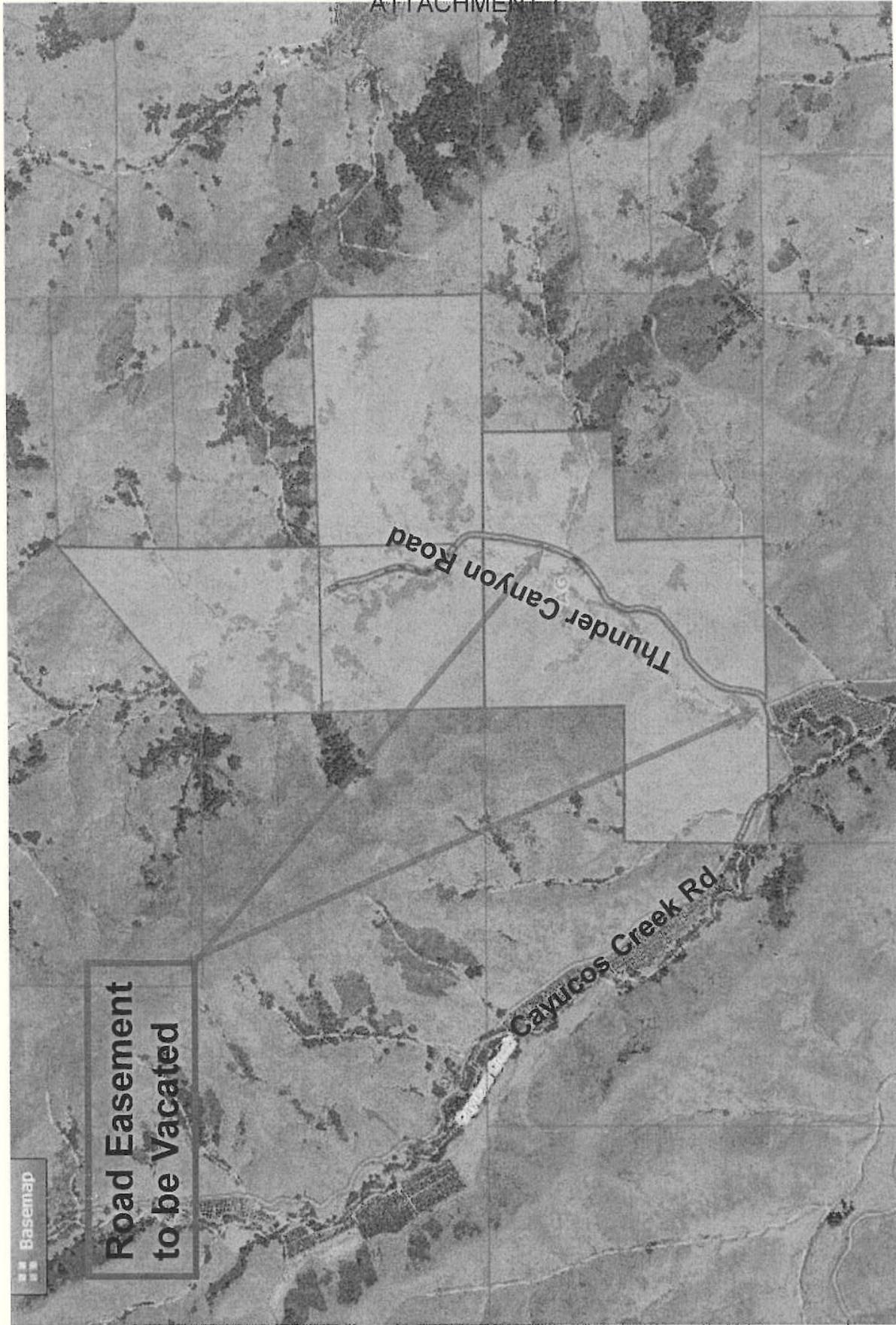
EXHIBIT

Land Use Category Map



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ATTACHMENT 1

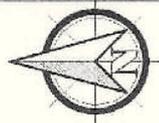


**Road Easement
to be Vacated**

Thunder Canyon Road

Carrizos Creek Rd

Basemap



EXHIBIT

Aerial Map



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Department of Public Works

ATTACHMENT 1

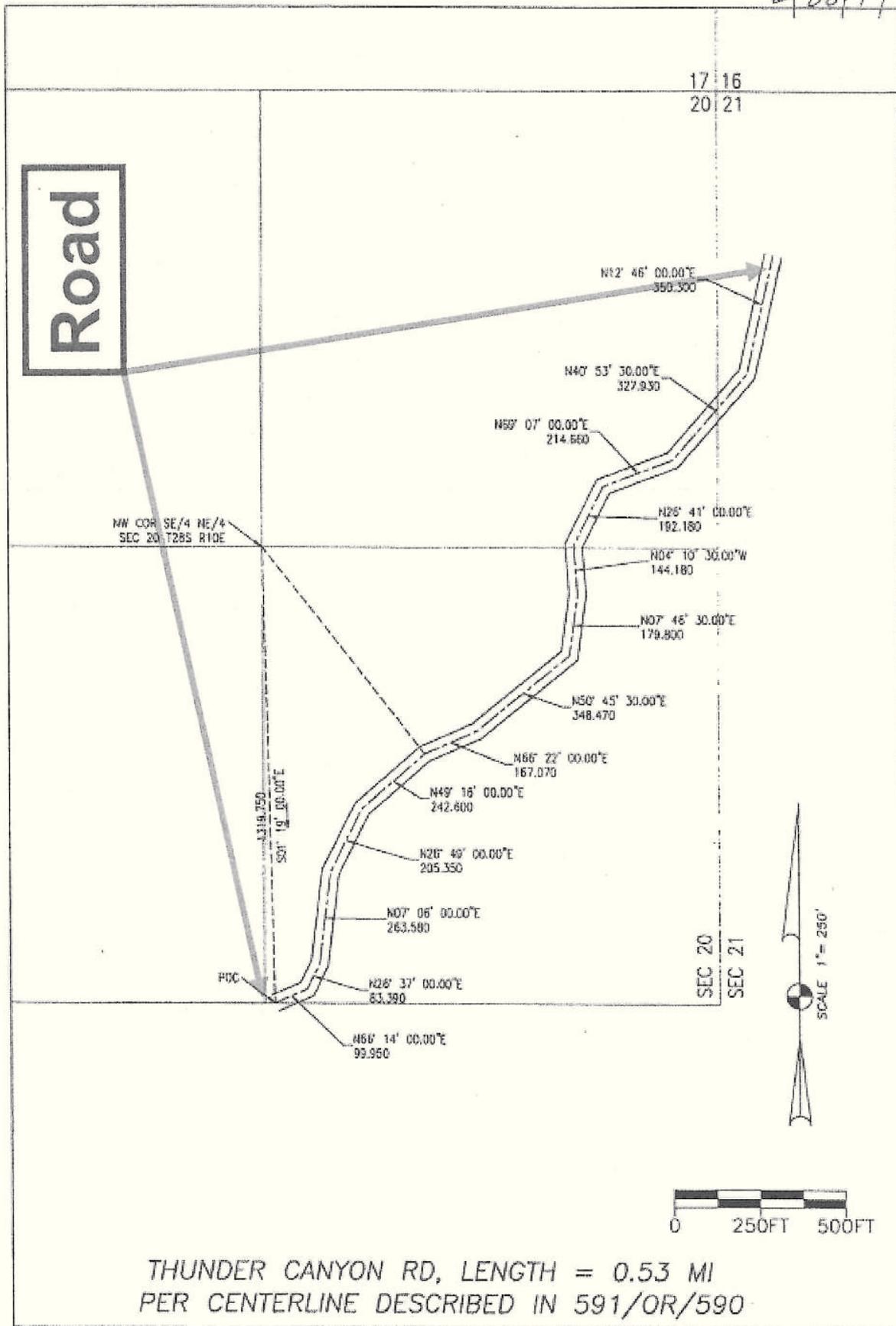


EXHIBIT
Site Map of Road



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ATTACHMENT 2
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

County Government Center, Room 206 • San Luis Obispo, CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

April 4, 2014

J J WHIPPET, LLC
c/o Judith Stapelmann
4161 Cresta Avenue
Santa Barbara, CA 93110

Subject: Requested Road Vacation of Thunder Canyon Road off Cayucos Creek
East of the Community of Cayucos

Dear Ms. Stapelmann:

We have received a preliminary indication of support from the Department of Public Works for your requested vacation of Thunder Canyon Road off Cayucos Creek Road east of the Community of Cayucos.

If you wish to proceed it would be appropriate now to request a General Plan Conformity Report from the Department of Planning and Building. Enclosed you will find the appropriate application form or you may obtain the necessary application forms by visiting the Planning and Building website as follows:

<http://www.slocounty.ca.gov/Assets/PL/Forms+and+Information+Library/Address+!26+Road+Names/roadabandon.pdf>

Please contact Fred Andrews at (805) 788-2770 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Acosta", is written over the word "Sincerely,".

for PHIL ACOSTA
Right of Way Agent

Enclosures

c: Planning and Building Department

File: 405R970149 Thunder Canyon Road Vacation Request

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